

Appendix O

Summary and Analysis of Comments Received

Summary and Analysis of Public Hearing Comments

**Disposition of Comments on the
Draft Design Report / Environmental Impact Statement (January 2014)**

The following is a summary of comments received during the NEPA Public Hearing on February 25, 2014.

Phil Steck, NYS Assembly, 110th Assembly District

Comment 1: *The first phase of the project is fully funded and will move forward because the bridge needs to be replaced. Is the State sufficiently financially committed to the second phase of the project or can the State Legislature do something to be of assistance?*

Response 1: The Department, in conjunction with the capital District Transportation Committee (CDTC), has identified an excess of \$26.0 M available post-TIP for Phase 2 of this project.

Paula A. Mahan, Supervisor, Town of Colonie

Comment 2: *We really support the project in the Town of Colonie. We have been working with the State DOT for several years now and you have done a great job of keeping us informed and involving us in the options that are available to the Town. We look forward to continuing to work with you.*

Response 2: Comment noted.

John O'Donnell, CEO, Albany County Airport Authority

Comment 3: *I have been at the Airport for 18 years and I've worked diligently with NYSDOT to achieve what we consider to be the solution, the Flyover Alternative. The Airport serves some 15 counties and many of those folks don't know how to navigate around the congestion that currently exists. The Airport is committed to working with the local chambers and our elected officials to press the funding for this project; however, we'd like to see the schedule improve.*

Response 3: NYSDOT is open to moving the Phase 2 construction forward if project funding becomes available.

Mike Eagan, President & CEO, Albany-Colonie Regional Chamber of Commerce

Comment 4: *The Airport is a regional asset and this project is important to the entire region. We have letters of support from organizations in Columbia County, Greene County, Rensselaer County, Saratoga County, Warren and Washington County because we realize that it's important to the overall safety and overall growth of our community. We're pleased that the DOT's office realizes that this project is important and we believe the Governor's office realizes that. It is critical to make sure we are not here for another hearing about this in five or six years, but in five or six years from now people are on the newly constructed Exit 4.*

Response 4: Comment noted.

Ivan Vamos, New York State Bicycling Coalition / CDTC Bike-Pedestrian Advisory Board

Comment 5: *The shared use path along the south and southwest side of Albany-Shaker Road is an excellent feature of the project, providing a much needed connection to attractions along the route and to an underutilized trail segment built with an earlier phase of Albany-Shaker Road (CR 151) project to the north and west and the many destinations to the east linking to commercial, cultural and recreational attractions.*

Response 5: Comment noted.

Comment 6: *Improvements to the sidewalks along Albany-Shaker Road and Wolf Road and the improved connections between the new shared use path and destinations such as hotels, restaurants, the library, the Crossings Park can greatly improve the attraction of the area for visitors, commuters and others.*

Response 6: Comment noted.

Comment 7: *Intersections such as the ones at Wolf Road and the junction of the flyover ramps and Albany-Shaker Road will require extra attention to safely accommodate heavy use by many modes of travel. We hope that the*

rideable shoulders on Albany-Shaker Road will also get the improvements (and clear marking) as noted in the project features, since use along this route can be expected to increase.

Response 7: Traffic control details to manage conflicts between vehicles and bicyclists at the southern end of the shared-use path will be explored during final design.

Comment 8: The people bicycling or walking along the new shared use path who are destined to the airport will use the path until it ends, then cross Albany-Shaker Road at a traffic light and enter the airport complex. Some connections through the parking and to the terminal are probably needed at that location.

Response 8: The entrance into Albany International Airport is outside of the project study area, and improvements to the pedestrian facilities between Albany-Shaker Road and the airport terminal are outside of the scope of the proposed project. In addition, the parking area at the airport is owned and maintained by Albany County Airport Authority, and as the owner, any projects would need to be progressed by the Authority.

Comment 9: The problem will be those bicyclists and pedestrians who arrive at the end of the trail in search of the next trail segment. That little used, but existing trail segment can be accessed via a difficult to find trailhead next to NYS Route 155, and then the trail segment is located parallel to and to the west of new CR 151. Most of the walkers and riders at the “end” of the new trail to be built with Exit 4, when faced with the dilemma of no shown path to the next trail segment, will proceed north, as counter-flow traffic along the southeast bound limited access four lanes of Albany-Shaker Road until they find an entrance road that may look like it can connect to the existing trail link. This will create a dangerous situation and perhaps a nuisance to some property owners. The obvious solution is to route those wishing to continue along the trails but are not headed to the airport to turn west on Meeting House Road, past the Shaker Historic attractions and probably proceed along Ann Lee Pond Park, Heritage Lane, and perhaps Airline Drive (one block each) to the existing shared use trail and bridge over NYS Route 155. While this is a pleasant ride / walk along low volume roads, the appearance of the route can be confusing and perceived as the entrance to a private farm-like complex (that after all was the historic use of the property). Unless the route is well marked and somewhat improved, bicyclists and pedestrians who are unfamiliar with the connection will avoid it and confront a dangerous alternative a little further north at the end of the new trail.

Response 9: The need for guide signs for the shared-use path and connection along Meeting House Road to the existing Albany-Shaker Road trail system will be evaluated during final design.

Comment 10: The need is to develop a design and project that will tie these two important trail segments together. The markings and signs should be designed and implemented with Exit 4 and be in keeping with the historic and natural character of the area, while carrying the clear message recommending the safe through-travel route. Your consultant team for the next phase of the Exit 4 project can add at a very small increment to the design costs involved for this task. We hope this small but most important added component of the Exit 4 project can be added to the design and implementation work being undertaken along with the major phases of the interchange and trail projects scheduled for 2019.

Response 10: The need for guide signs for the shared-use path and connection along Meeting House Road to the existing Albany-Shaker Road trail system will be evaluated during final design.

Anthony LaFleche, Resident

Comment 11: I support the 12-foot travel lanes that offer wide trucks and buses to get through and go through the traffic. We hope that's the standard for many other DOT projects. I just want some consistency in the width of the travel lanes and the 12-foot, I think, is superior.

Response 11: Comment noted.

Comment 12: I support expanding the northbound Exit 4 entrance ramp to the Exit 5 exit ramp will allow for much smoother merging in traffic and less traffic backup north of Exit 4, which occurs daily.

Response 12: Comment noted.

Comment 13: I think the flyover ramp is the best alternative because it allows the northbound traffic to go pretty much directly to the Airport avoiding two whole intersections and allowing the southbound traffic to avoid one intersection. It's going to allow for them to get in and out faster and less backup on Wolf Road and particularly the Wolf Road/Albany-Shaker Road intersection.

Response 13: Comment noted.

Comment 14: *Creating the more traditional diamond entrance ramp for Exit 5 southbound and eliminating the auxiliary 5/4 ramps in that area will improve the safety and reduce driving congestion.*

Response 14: Comment noted.

Comment 15: *My main concern is having the bridge remain at three travel lanes in each direction. If this bridge is going to last for 50 years or even longer, can we honestly say that three lanes will be enough throughout that entire time period to handle the capacity, particularly with the Airport growing, the region growing, particularly Saratoga County growing? I feel that having four lanes or at least the capacity for four lanes is ideal for that bridge.*

Response 15: The State has no current plans to widen I-87; however, over-widening of the bridge will be necessary in order to maintain three lanes of traffic in each direction of I-87 during construction.

Comment 16: *The shoulders on Albany-Shaker Road will be five feet. I think eight feet they should be eight feet to match the consistency with some other DOT projects. It allows bikes to avoid traffic even more, it allows traffic to pull over just in case of an emergency, and allows emergency vehicles to use it as a temporary lane. Five feet can't do it, but eight feet can handle any vehicle on the road.*

Response 16: The bike lanes on Albany-Shaker Road between Wolf Road and the flyover ramps are proposed to be 5 ft. wide which is the standard width for bicycle lanes on curbed roads in accordance with the NYSDOT Highway Design Manual, Chapter 17. Providing more bicycle lane width would result in additional right-of-way impacts and potentially result in 1 additional residential relocation and impacts to parking areas at commercial businesses along Albany-Shaker Road.

Comment 17: *The northbound Exit 4 flyover lane, when it finally merges with Albany-Shaker Road, has two left-turn lanes and one right-turn lane right. If you can make that middle lane go left or right, because either way both would go into two travel lanes in either direction, it would allow for the people coming from the Northway not to have to go over two lanes to have to turn right. I think that will improve traffic flow in that area and make it easier for the people to not have to merge over two lanes.*

Response 17: Reconfiguring the lanes on the ramps for a right turn lane, shared right/left turn lane, and left turn lane was considered and dismissed because it would potentially create additional queues in the center lane by holding right turning vehicles behind left turning vehicles at the red signal that could otherwise turn right on red.

Gloria Jean Knorr, Resident

Comment 18: *I never liked Exit 4 because my uncle's farm was cut by the Northway separating his house from his barn and farmland. I am happy that Exit 4 is gone, because I'm a bus traveler. I get off at Engel's Farm and walk Old Wolf Road to Albany Medical College Department of Medicine on Watervliet-Shaker Road. I would like to sell the 13 acres that remain of my uncle's farm in honor of my son by having a wonderful project there.*

Response 18: Comment noted.

Howard Adams, Jr.

Comment 19: *I was around long before the Northway was built and I have seen the DOT make a lot of mistakes. The first one was when they first started the Northway. Look at the Tappan Zee Bridge, any kid walking through the woods knows you don't pick the largest part of the (river) to jump across. Not only that, it has salt water, as well from the road salt in the winter. And now, it's falling apart. So what do they do? They spend another hundred, billion, thousands or however many bucks they're spending to make the mistake all over again down there. And three miles down the river, they could have built a substantial bridge like the George Washington, hang it from wire, no salt wear, just like the George Washington Bridge.*

Response 19: Comment noted.

Comment 20: *I think, as I see this, they are not considering the most logical alternative, which is a simple clover-leaf intersection exit just like up at Exit 6. They're making a primary mistake by creating another T-intersection with traffic lights to get to the Albany Airport. On Wolf Road now, it's essentially a T-intersection. And when you come off of the Northway to get to Wolf Road, you come to a T-intersection. The T-intersection is a short-term solution. You don't build super highways with 10 years, 20 years, or 50 years in mind. You build it for the future. I*

am so sick and tired of hearing these grandiose mistakes. What you should do is reconsider the whole thing and make a regular clover intersection. So you have to fill in a few swamps, knock down a motel or two, but you do that all the time. And as far as filling in swamps, if the wetlands law was there 200 years ago, New York City would be a village, so would Albany. It's garbage. Go back to the drawing board and start looking one hundred years from now, not ten or five. Get a clover leaf there, period.

Response 20: Since 2000, over 50 conceptual alternatives have been developed and evaluated for engineering considerations and environmental impacts. These concepts included clover leaf, single point urban interchange, and diamond interchange designs, as well as many others to improve traffic operations and access in the Exit 4 area. Based on evaluation of the conceptual alternatives, two alternatives were selected for further consideration in the Draft Environmental Impact Statement because they complied best with the project objectives. These alternatives were presented at the February 25, 2014 public hearing, and the Flyover Alternative has been selected as the Preferred Alternative because it meets all of the project objectives and results in less environmental impacts than the other feasible alternatives.

Analysis of Comments Received on the Draft Design Report / Environmental Impact Statement

**Disposition of Comments on the
Draft Design Report / Environmental Impact Statement (January 2014)**

The following is a summary of comments received during the public comment period for the January 2014 Draft Design Report (DDR) / Environmental Impact Statement (EIS) for the subject project.

Amy L. Gitchell, Chief, Upstate New York Section, U.S. Army Corps of Engineers

Comment 1: *We recommend that we conduct a site inspection of the project area with you this spring to verify the extent of waters of the United States in the project area, and to determine with you whether an approved or preliminary jurisdictional determination is appropriate for this project.*

Response 1: NYSDOT plans to proceed with a preliminary Jurisdictional Determination. A site visit with the ACOE will be scheduled during the summer of 2014.

Comment 2: *According to the DEIS, the NYSDOT plans to seek confirmation of Nationwide Permit Number 14 for Phase I of the project, and then seek an individual Department of the Army permit for Phase II of the project. Based upon the information received to date, we cannot concur at this time that separate review of the proposed impacts to waters of the United States for each project phase is appropriate in this case. Should the NYSDOT continue to seek separate authorizations for each phase, we recommend that the NYSDOT submit to this office as soon as possible, justification as to why you believe the reviews should be separated and have independent utility.*

Response 2: As part of the permitting process, NYSDOT will prepare and submit justification that the two construction phases have operational independence.

Comment 3: *In addition, it was indicated to this office that the NYSDOT planned to complete during Phase II of the project, any required compensatory mitigation needed to offset impacts to waters of the United States that would occur during Phase I construction. Given the timeframes between Phase I and II construction, the lack of confirmed funding for Phase II construction, and our regulations at 33 CFR Part 332.3(m), we would not approve this proposal. As stated in 33 CFR Part 332.3(m), implementation of the compensatory mitigation project shall be, to the maximum extent practicable, in advance of or concurrent with the activity causing the authorized impacts.*

Response 3: Mitigation for Phase 1 (replacement of the I-87 bridges over Albany-Shaker Road) wetland impacts will be completed during Phase 1 construction. Mitigation for Phase 2 construction (new interchange ramps) wetland impacts will be completed during Phase 2 construction.

Comment 4: *While we recognize that the work description and plans contained in the DEIS are not final, we are unsure that all proposed temporary and permanent impacts to aquatic resources have been identified. As we progress in the review of the overall project, please be sure to clearly*

- (1) Identify the purpose of each impact to waters of the United States,*
- (2) Identify if any proposed temporary impacts would occur within forested wetlands and whether they would be restored to their pre-existing cover type,*
- (3) identify whether any utility line relocation work, noise barrier installation, drainage system cleaning and improvements, or pedestrian and bicycle use facilities would involve additional impacts to waters of the United States,*
- (4) Identify and quantify any proposed temporary impacts to streams or other open water areas (i.e. ponds),*
- (5) Identify the duration of temporary impacts to aquatic resources and how these aquatic resources would be restored, and*
- (6) Identify any measures that are proposed to be taken to prevent the spread of invasive species in the project vicinity*

Response 4: The following information will be clarified as indicated:

- (1) The purpose of each impact will be documented during the permitting process.
- (2) Temporary impacts are identified in Section 4.4.1 of the DEIS. Temporary impacts by plant community classification and the type of restoration proposed for each impact will be documented during the permitting process.
- (3) Wetland impacts for all proposed project work, including utility relocations, noise barrier installation, drainage, and pedestrian facilities have been accounted for in Section 4.4.1 of the DEIS.

- (4) Temporary impacts to streams or other open water areas are identified in Section 4.4.2 of the DEIS and will be refined and documented during the permitting process.
- (5) The duration and restoration of temporary impacts to aquatic resources will be documented as part of the permitting process.
- (6) Proposed invasive species management is discussed in Section 4.4.9 of the DEIS and will be refined for each phase of the project and documented during the permitting process.

Comment 5: *We also recommend that you keep detailed records of all efforts taken to avoid and minimize impacts to waters of the United States to the maximum extent practicable and then provide this record to us to help determine whether the proposed activities meet our Clean Water Act 404(b)(1) Guidelines.*

Response 5: A summary of the efforts made to avoid and/or minimize impacts to waters of the United States has been prepared and included in the EO 11990 Findings Statement as part of the permitting process.

Comment 6: *The project involves the extension of existing culverts, some of which convey streams that have been identified as either perennial or relatively permanent waters. The existing culverts are noted as being reinforced concrete pipes between 24" and 30" in diameter. The sizes of these culverts seem inadequate to effectively manage water flows and their extension could exacerbate existing conditions. Please be sure to address this issue when seeking approval from this office for their extension. The site inspection recommended above should include visits to streams where culvert extensions or any new culverts are proposed.*

Response 6: Several tributaries flow through the project area. Each of these channels is currently conveyed under the highway in small diameter (24-36 inch) culvert pipes, and these culverts are relatively flat and slow flowing. As stated in DEIS Section 4.4.5 - Floodplains, there is no documented history of flooding at any of these crossings. It is anticipated that the existing culverts have sufficient capacity and that the proposed culverts associated with each alternative will be sized accordingly. In addition, the hydraulics of the existing and proposed culverts will be evaluated as part of the Phase 2 permitting process.

Comment 7: *Although this office has agreed that the NYSDOT should pursue compensatory wetland mitigation at Wetland Mitigation Area 13 (as identified in the DEIS), we cannot concur with the amount and type of proposed compensatory mitigation at this time, and whether all types of mitigation needed for this project can be accomplished at this site. As noted above, we are unsure that all impacts that could require compensatory mitigation have been identified. Additional mitigation may be required for the permanent or long term conversion of forested wetlands into other covers types needed for temporary impacts or other long term temporary impacts. Specific types and amounts of mitigation needed to compensate for the difficult to replace stream impacts need to be identified.*

Response 7: A site visit with the ACOE will be conducted during the summer of 2014 in order to complete the Jurisdictional Determination (JD) and make a final determination of the amount and type of proposed compensatory mitigation required. Once the amount and type of proposed compensatory wetland mitigation has been agreed upon, a wetland mitigation plan will be developed and submitted as part of the permitting process.

Comment 8: *The DEIS also does not demonstrate why compensatory mitigation to offset the loss of open water area should not be required. Please continue to coordinate with this office to help develop a comprehensive plan that would adequately compensate for the loss of waters of the United States that area associated with this project.*

Response 8: Impacts to open waters cannot be mitigated through the creation of open waters within the project study area due to conflicts with the Albany County Airport Authority's Wildlife Hazard Management Plan which recommends consideration of wildlife attractants within 5 miles of the airport if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace. As such, NYSDOT proposes to mitigate open water impacts with creation of shallow emergent marsh wetlands at a 1:1 impact to mitigation ratio.

Comment 9: *Please also be reminded that we expect the NYSDOT to develop an acceptable plan that provides for the long term protection of the mitigation site(s). The New York District has previously informed the NYSDOT that the use of the "Certification Statement" as currently written is not legally sufficient.*

Response 9: NYSDOT will coordinate with ACOE to develop a plan for long-term protection of the proposed wetland mitigation site and resolve issues with the current Certification Statement.

Andrew L. Raddant, Regional Environmental Officer, U.S. Department of the Interior

Comment 10: *The U.S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement for Interstate 87, Exit 4 Access Improvements, Albany County, New York. The Department's U.S. Fish and Wildlife Service provided comments on the DEIS/Scoping Document in January and are attached here. The Department has no additional comments at this time.*

Response 10: Comment noted. Comments received from the Department's U.S. Fish and Wildlife Service (US FWS) have been addressed under the US FWS comments below.

David Stilwell, Field Supervisor, U.S. Fish and Wildlife Service

Comment 11: *We recommend that DOT visit our website at <http://www.fws.gov/northeast/nyfo/es/section7.htm> and follow the step-by-step instructions to obtain an official species list; information about listed, proposed, and candidate species; and steps to complete initial assessments of whether a species may be present and impacted by the proposed action. This information should be included in the EIS for our review.*

Response 11: The official species list has been obtained for the project and is included in the Final EIS. The website was consulted prior to development of the DEIS and again prior to issuance of the FEIS.

Comment 12: *Section 7(a)(2) of the Endangered Species Act (ESA) requires federal agencies, in consultation with the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of designated critical habitat. A Biological Assessment (BA) of the potential direct, indirect, and cumulative impacts must be prepared for all federal actions that may affect listed species. The Service is available to provide technical assistance in the preparation of the BA.*

Response 12: As noted in Section 4.4.9 of the DEIS, the proposed project will have "No Effect" on the identified species with the exception of the northern long-eared bat. Anticipated tree removals for the project have been documented in the "batch" project list that will be sent to US FWS for concurrence. In addition, tree clearing activities will only occur between October 31st and April 1st. See Comment 13 for response specific to the Northern Long-Eared Bat.

Comment 13: *Pursuant to Section 7(a)(4) of the ESA, federal action agencies are required to confer with the Service if their proposed action is likely to jeopardize the continued existence of the northern long-eared bat (50 CFR 402.10(a)).*

Response 13: For the purposes of coordinating northern long-eared bat impacts for the project, anticipated potential bat roost tree removals have been documented in the "batch" project list that was sent to US FWS for concurrence. FHWA made a determination of "May Effect, not likely to Adversely Effect" on May 9, 2014, and the US FWS concurred with the FHWA determination on May 15, 2014. In addition, tree clearing activities will only occur between October 31st and April 1st.

Comment 14: *Action agencies may also voluntarily confer with the Service if the proposed action may affect a proposed species. Species proposed for listing are not afforded protection under the ESA; however, as soon as a listing becomes effective, the prohibition against jeopardizing its continued existence and "take" applies regardless of an action's stage of completion.*

Response 14: Comment noted.

Comment 15: *Until the proposed project is complete, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.*

Response 15: NYSDOT has been checking, and will continue to check, the US FWS website periodically to ensure the listed species presence/absence information for the proposed project is current.

Comment 16: *As you are aware, bald eagles (*Haliaeetus leucocephalus*) were federally-delisted in 2007, but remain protected under the MBTA, the BGEPA, and by the State of New York as a threatened species. The Service recommends that if eagles are found within the project area prior to commencing work, the DOT and FHWA should follow the National Bald Eagle management Guidelines found on our website and contact the Service and NYSDEC to determine if a permit is required.*

Response 16: No bald eagles have been observed in the project area to date. If they are observed during design or construction, NYSDOT will contact the appropriate agencies to determine if a permit is required.

Sukhbir Gill, Environmental Specialist, Federal Aviation Administration

Comment 17: *The FAA should be listed as a Cooperating Agency on this EIS since the FAA has a Federal Action of releasing land for the connector road and flyover ramp; it is not explicitly stated as such anywhere in the document. The FAA must approve a change to Albany International Airport's (ALB) Airport Layout Plan (ALP) to depict the land release associated with the preferred alternative as it falls, in part, within the airport property line on land owned by Albany County Airport Authority (ACAA).*

Response 17: The FAA's NEPA agency status has been revised to cooperating agency since the project will potentially involve construction within the Navigable Airspace. The FEIS and SAFETEA-LU Coordination Plan have been updated to reflect the change in the FAA's NEPA agency status.

Comment 18: *The proposed alternative descriptions in Chapter 3 need to be revised to include a brief discussion of our Agency's actions for each alternative.*

Response 18: A discussion of FAA actions has been added to Section 3.3.2.4.

Comment 19: *DEIS Section 3.3.2.4 – Airports, Railroad Stations, and Ports: There is no mention of the amount of land that will be acquired from ACAA for the connector road/flyover ramps. This pertinent information needs to be incorporated in this section, along with a drawing depicting the proposed project.*

Response 19: The amount of land required and the current land owner for the Diamond and Flyover Alternatives is included in Section 3.2.1 of the Draft Environmental Impact Statement. This information is also shown graphically on Exhibits 4.2.1 i and 4.2.1 j.

Comment 20: *DEIS Section 3.3.2.4 – Airports, Railroad Stations, and Ports (p. 3-49): The first paragraph states that "Potential conflict between construction equipment, e.g. a tall crane that will erect bridge girders, and the flight paths of aircraft using the Albany International Airport have been considered and no conflicts are expected." The proximity of the construction to the Runway 1 threshold and extended centerline raise concerns over possible impacts to Runway 1 approaches and Runway 19 departures. Federal Aviation Regulation (FAR) Part 77, Objects Affecting Navigable Airspace, requires each person proposing any kind of construction or alteration described in FAR Part 77.13 (a) to give adequate Notice to the Administrator. It specifies the locations and dimensions for which Notice is required and prescribes the form and manner of the Notice. Go to www.oa.faa.gov for instructions on how to file the required Notice electronically.*

Response 20: Reference to the anticipated requirement to provide adequate Notice to the Administrator prior to any project construction (FAA forms 7460-1 and 7460-2) has been added to Section 3.3.2.4. The need to complete these forms will be assessed during final design.

Comment 21: *The analyses requested in comments from 2011, along with information regarding construction phasing and duration from the overall construction schedule, will help determine if there are any temporary impacts to operations that will require operational or procedural changes to ALB. These additional changes, based on their duration, could result in additional connected Federal Actions on behalf of the FAA and could drive additional environmental impacts that would need to be disclosed in the EIS.*

Response 21: Comments received in 2011 regarding impacts to the Runway Protection Zone (RPZ) have been addressed and the need to complete FAA forms 7460-1 and 7460-2 will be assessed during final design. No temporary or permanent impacts to operations that will require operational or procedural changes at Albany International Airport are anticipated as a result of the proposed project.

Comment 22: *DEIS Section 4.1.2 – Coordination with Agencies (p. 4-1): FAA should be listed as a Cooperating agency and not participating.*

Response 22: The FAA's NEPA agency status has been revised to cooperating agency since the project will potentially involve construction within the Navigable Airspace. The FEIS and SAFETEA-LU Coordination Plan have been updated to reflect the change in the FAA's NEPA agency status.

Comment 23: *DEIS Section 4.4.1 – Wetlands (p. 4-13): Based on the review of this section, FAA is concerned with the location that has been chosen to mitigate impacts to wetlands for the proposed project. FAA Advisory Circular*

(AC) 150/5200-33B, *Hazardous Wildlife Attractants on or near Airports*, August 28, 2007, provides guidance on certain land uses that have the potential to attract hazardous wildlife on or near public-use airports. FAA program offices and airport sponsors are strongly encouraged not to create wetland sites located within 10,000 feet of a runway that serves turbine-powered aircraft. Title 14, Code of Federal Regulations, Part 139 (14 CFR 139), Section 139.337 requires certificated airports having a wildlife hazard problem to assess wildlife through a Wildlife Hazard Assessment (WHA) and to develop and implement a Wildlife Hazard Management Plan (WHMP) to manage and control wildlife. As per ALB's WHMP approved on December 11, 2013, it recommends consideration of wildlife attractants out to 5 statute (statute mile is 5,280 feet) miles of the airport if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace. In accordance with its Airport Certification Manual (ACM) and the requirements of 14 CFR Part 139.337, ALB will take immediate action to alleviate wildlife hazards whenever they are detected. We recommend the ACAA and DOT work together with the Airport's Wildlife Biologist, USDA-Wildlife Services, to review the mitigation plan and make sure it follows the recommendations as approved in the WHMP.

Response 23: The proposed wetland mitigation does not include the creation of open water. The detailed mitigation plans, developed as part of the permitting process, will be developed with consideration for the airport's concerns for wildlife attractants, and efforts to avoid and/or minimize the proposed wetlands' attractiveness to waterfowl will be made. In addition, NYSDOT will coordinate with the Airport's wildlife biologist during development of the wetland mitigation plan.

Nancy Danzig, Director, Planning and Program Development,
Federal Transit Administration, Region 2

Comment 24: The Federal Transit Administration (FTA) received a copy of the Draft Design Report / Environmental Impact Statement dated January 2014. I understand that FTA is a participating agency, and as such, received a copy to review. As there is no transit interest in this project, FTA will not be providing comments.

Response 24: Comment noted.

Nancy Baker, New York State Department of Environmental Conservation

Comment 25: On the wetland (aerial) map submitted, the "SCE Delineated Wetlands" line does not appear to match the "Mapped NYSDEC Wetlands" line. For instance, the area to the rear of parcels on Watervliet Shaker Road (Panel 4) has a linear wetland that was delineated, connecting the wetlands behind the Desmond Hotel to the wetlands along Watervliet Shaker Road near the Airport. However, this isn't shown within the lines depicting NYS Freshwater Wetlands. There are several areas on the map that show delineated wetlands not within the State regulated Freshwater Wetland area.

Response 25: The mapped NYSDEC wetland boundaries were shown similar to the National wetland inventory mapping boundaries, to depict what current mapping indicates. The delineated wetland boundaries reflect what was actually observed and delineated in the field.

Comment 26: Since the delineated area and NYS Freshwater Wetland areas do not match, what is being considered "wetland" for purposes of calculating impacts? It would be helpful to have one map that shows delineated (regulated) wetlands with the proposed impacts on an overlay, or imposed on that map.

Response 26: Direct and indirect permanent and temporary impacts were calculated based on the delineated boundaries. The plans in Appendix A of the DEIS (and FEIS) show the wetland impacts for the preferred alternative. The 100-foot adjacent area was also applied to the actual boundaries that were delineated.

Comment 27: Wetland staff have not received a complete wetland delineation map for approval.

Response 27: A figure that clearly depicts the boundaries of wetlands that would be regulated by the NYSDEC, with a corresponding table, and overall project area will be prepared as part of the permit process and submitted for the boundary validation.

Elizabeth Novak, Director, Office of Transportation Planning & Environmental Services,
New York State Thruway Authority

Comment 28: We have reviewed the DEIS and the Authority has no comments at this time. Based on the scope of work, there do not appear to be any impacts or effects to the New York State Thruway System.

Response 28: Comment noted.

James Mearkle, Traffic Engineer, Albany County Department of Public Works

Comment 29: *It hasn't been officially approved yet, but we have applied for funding from CDTC's Pavement Preservation for Non-State Roads Set-Aside to resurface Albany Shaker Road between Wolf Road and Watervliet Shaker Road in 2015. We are planning on in-place recycling with a thin overlay. Will any construction on CR 151 (Albany-Shaker Road) be included in Phase 1? If so, we will meet your construction limits. If it will be five years from now in phase 2, we may overlay the pavement under the bridges. In either case, some degree of work zone traffic control coordination will be required.*

Response 29: No pavement reconstruction work on CR 151 (Albany-Shaker Road) is currently included in Phase 1. The proposed reconstruction and widening on Albany-Shaker Road will be completed during Phase 2 of construction.

Comment 30: *According to ALIS, this area exhibits some of the worst safety performance on our system. Has a safety analysis been performed, using the AASHTO Highway Safety Manual or a similar procedure? The proposed changes to the CR 153 (Old Wolf Road) intersection should help, but the CR 151/SR 910B (Albany-Shaker Road/Wolf Road) intersection gets the brunt of it.*

Response 30: An accident analysis was performed for the project area, as described in Section 2.3.1.8 and in Appendix F (Traffic Analysis). The accident history investigation was conducted by NYSDOT Region 1 using data from the Accident Location Information System (ALIS) system and using standard NYSDOT procedures for evaluating accident history and safety. The Albany-Shaker Road intersections with Old Wolf Road and Wolf Road both had accident rates that exceeded the statewide averages for similar facilities. The predominant accident type was rear-end accidents, which typically correlates to traffic congestion. The proposed project will reduce the traffic volumes at both of these intersections which will improve operations and safety. There are additional geometric improvements as well which also improve operations and reduce congestion.

Comment 31: *Will the westbound left turn phasing onto SR 910B (Wolf Road) be protected only? If not, it would be better to remove the negative offset, so drivers will be able to see around the opposing left turn queue.*

Response 31: The Albany-Shaker Road westbound left-turn onto Old Wolf Road is proposed to maintain the protected/permitted left-turn phasing for the Albany-Shaker Road westbound left-turn movement as it provides better level of service. Signal operations are continuously under review by the Region. The use of a permitted only phase for left turns onto Wolf Road will be evaluated once the project has been constructed.

Comment 32: *Currently, the right turn from Albany Shaker Road to SR 910B (Wolf Road) is served by a dedicated right turn lane and a through/right lane. You only show the right turn lane. If this will be adequate for the demand, it may resolve some of the confusion and conflicts we hear about between this movement and the opposing left turn.*

Response 32: It is proposed to maintain the eastbound shared through/right-turn lane in addition to the exclusive right-turn lane.

Comment 33: *With the relocation of the existing southbound off ramp, we anticipate a significant drop in volumes on CR 153 (Old Wolf Road). According to our counts, the AADT is 15,500 vpd south of the ramp intersection, and 5000 north of it. Will the dual left turn lane still be warranted? This could be an opportunity to offset some of the added impervious area.*

Response 33: Removal of the existing dual left-turn lane and resulting reduction of the pavement width on the Old Wolf Road approach to Albany-Shaker Road will be evaluated during final design.

Comment 34: *Will the northbound CDTA bus stop in front of the old Engel's Farm stand be relocated? If not, it should have sidewalk access to Wolf Road.*

Response 34: NYSDOT will coordinate with the Capital District Transportation Authority (CDTA) during final design of Phase 2 to determine the need for relocating, placing new or removing bus stops along Albany-Shaker Road within the project study area.

Comment 35: *A crosswalk should be provided across the northbound on-ramp, connecting the existing sidewalk in front of the Times Union building to the proposed sidewalk under the bridge.*

Response 35: A crosswalk has been added to the project across the existing Exit 4 NB entrance ramp.

Comment 36: *At the southeast end of the side path, how will conflicts be managed between through bicyclists proceeding from the path to the bike lanes, and motor vehicles turning right onto the new ramp? Will they have separate signal phases?*

Response 36: A trail head will be located at the end of the multi-use path. Motorists, pedestrians, and bicyclists will be required to follow the rules of a traffic signal as they do at any other intersection.

Comment 37: *From the northwest end of the new side path, there is a half mile gap to the Shaker Path. The easiest remedy is probably a signed bike route along the former Watervliet Shaker Road alignment (Meeting House Road, the path by the Ann Lee Pond, Heritage Lane) and Airline Drive to the south terminus of the trail. Could this be included in the project?*

Response 37: NYSDOT will coordinate with the Capital District Transportation Committee (CDTC) to develop signage for bicyclists between the Crossings at Colonie and Mohawk-Hudson Bikeway. The need for guide signs within the project limits along the shared-use path and connection along Meeting House Road to the existing Albany-Shaker Road trail system will be evaluated during final design.

Comment 38: *Where ROW and wetlands allow, can more snow storage be provided between the roadway and sidewalk than the proposed 3 feet buffer? Your HDM section 3.2.11.1 calls for more than that.*

Response 38: The need to avoid wetland impacts and ROW impacts led to the 3 foot offset. Providing additional width between the roadway and sidewalk will result in greater impacts to these features.

Comment 39: *For the purposes of Highway Law §140(18), will the side path be considered a sidewalk or a multi-use path?*

Response 39: The proposed pedestrian/bicycle facility along Albany-Shaker Road from the proposed flyover ramp intersection to the airport entrance is proposed to be a multi-use path.

Comment 40: *There are errors on Exhibits 2.3.2.2, 2.3.2.5a and 4.4.13c in the draft design report: a. The illustrations show multi-use paths along Airline Drive and the east-west segment of Heritage Lane. These are sidewalks. b. The trails within the Ann Lee Preserve are unsurfaced nature paths, not shared use paths.*

Response 40: Exhibits 2.3.2.2 and 4.4.13 c have been revised to show the existing facilities along Airline Drive and Heritage Lane as sidewalks, and the trails within Ann Lee Pond Nature and Historic Preserve as nature paths. No changes have been made to Exhibit 2.3.2.5 a since it does not denote what type of trail/sidewalk is provided, only that a pedestrian facility is present.

Comment 41: *Much of the project area drains to the Ann Lee Pond, a NYSDEC Section 303(d) impaired waterbody. As the owners of the Ann Lee Pond Preserve, we are very interested in protecting this resource. Please keep us informed about water quality measures in this watershed.*

Response 41: As noted in Section 4.4.8 of the DEIS, the proposed project includes construction of stormwater ponds and dry swales to provide water quantity storage and water quality treatment. In addition, runoff resulting from construction activities will be evaluated as part of the State Pollutant Discharge Elimination System (SPDES) permit.

Joseph LaCivita, Director, Planning and Economic Development Department, Town of Colonie

Comment 42: *With the elimination of the parallel access ramp between Exits 5 and 4 southbound, improvements to Old Wolf Road (i.e., center turning lane, bicycle/pedestrian accommodations, additional lanes, shoulders, etc.) will be necessary to accommodate the increase in diverted traffic. As you may be aware, this portion of the NYS Route 155 is in dire need of reconstruction with rutted and failing pavement, lack of shoulders and a cross section that neither supports the volume or speed of traffic that currently uses it.*

Response 42: CR 155 (Old Wolf Road) is owned and maintained by Albany County. The traffic analyses completed using future no-build and build traffic volumes were developed by Capital District Transportation Committee (CDTC) and do not indicate that any capacity improvements along Old Wolf Road would be necessary as a result of the proposed project. With the elimination of the C-D road between Exit 5 and 4, the proposed project reduces the volumes on Old Wolf Road by 37 to 46% between Terminal Drive and Albany-Shaker Road. Therefore, reconstruction of this roadway is not within the scope of the project.

Comment 43: *The construction of the southerly extension of Maxwell Road from Albany-Shaker Road to Marcus Boulevard should be included within the scope of the project and completed prior to I-87 lane closures. The completion of this segment of roadway will provide a north/south parallel route to Wolf Road which is vital to reducing traffic volume on Wolf Road and its intersections, especially during construction.*

Response 43: The Town of Colonie has indicated that future plans within the town include extension of Maxwell Road from the Maxwell Road roundabout constructed in 2010 to Marcus Boulevard (Wolf Road Service Road) and further extension of the Wolf Road Service Road to Aviation Road. As such, future traffic volumes forecasts modeled by CDTC include construction of the Wolf Road Service Road. However, the Wolf Road Service Road is not a part of the I-87 Exit 4 project.

Comment 44: *Bicycle and pedestrian usage continues to increase in this vicinity as throughout the Town. The proposed 10 ft. wide shared use path will be a great addition to the east-west bicycle and pedestrian linkages between the existing networks of Wolf Road and the Ann Lee Pond Nature and Historic Preserve. Unfortunately, the proposed westerly terminus is 1,500 ft. short of the most logical terminus point at the intersection of Heritage Lane and Albany-Shaker Road. The extension to this point would tie into the existing bicycle/pedestrian improvements, including multi-use trails, constructed with the Albany-Shaker Road / Watervliet-Shaker Road improvements of 2003-2004. This extension of the westerly terminus point would allow connectivity to the Mohawk-Hudson Bike Trail, the sidewalks along Troy-Schenectady Road as well as the multi-use path along Albany-Shaker and Watervliet-Shaker Roads.*

Response 44: Extension of the proposed pedestrian/bicycle facilities to Heritage Lane is beyond the scope of the project; however, an on-road route along Meeting House Road will provide a connection to the existing Albany-Shaker Road trail system. The need for guide signs for the shared-use path and connection along Meeting House Road to the existing Albany-Shaker Road trail system will be evaluated during final design.

Comment 45: *Allow excess right-of-way from abandoned ramps to be available for private development.*

Response 45: Abandoned right-of-way will be addressed as a part of the NYSDOT's surplus property disposal process.

Comment 46: *Due to the project's close proximity to the Ann Lee Pond and Shaker Creek watershed, we request the design include enhanced phosphorus criteria for the stormwater management in addition to the standard linear stormwater practices typical for roadways.*

Response 46: The project is not located within a Total Maximum Daily Load (TMDL) Watershed. Ann Lee Pond / Stump Pond is listed as a 303(d) waterbody segment with verified impairments that are required to be addressed by a segment / pollutant-specific TMDL. However, this project does not directly discharge into Ann Lee Pond; the nearest discharge point is approximately 0.7 miles from Ann Lee Pond, and therefore, does not require water quality treatment practices to reduce pollutant and phosphorus loadings. Standard practices, as defined by the New York State Department of Environmental Conservation *Standards and Specifications for Erosion and Sediment Control* ("Blue Book"), will be used to meet water quantity volume, water quality volume, and runoff reduction volume requirements for the proposed project.

Comment 47: *The bridge abutments should have an architectural design element similar to the design used at Exit 6.*

Response 47: The use of architectural treatments on the I-87 bridge abutments will be explored during final design.

Ivan Vamos, New York State Bicycling Coalition / CDTC Bike-Pedestrian Advisory Board

Comment 48: *The shared use path along the south and southwest side of Albany-Shaker Road is an excellent feature of the project, providing a much needed connection to attractions along the route and to an underutilized trail segment built with an earlier phase of Albany-Shaker Road (CR 151) project to the north and west and the many destinations to the east linking to commercial, cultural and recreational attractions.*

Response 48: Comment noted.

Comment 49: *Improvements to the sidewalks along Albany-Shaker Road and Wolf Road and the improved connections between the new shared use path and destinations such as hotels, restaurants, the library, the Crossings Park can greatly improve the attraction of the area for visitors, commuters and others.*

Response 49: Comment noted.

Comment 50: *Intersections such as the ones at Wolf Road and the junction of the flyover ramps and Albany-Shaker Road will require extra attention to safely accommodate heavy use by many modes of travel. We hope that the rideable shoulders on Albany-Shaker Road will also get the improvements (and clear marking) as noted in the project features, since use along this route can be expected to increase.*

Response 50: Traffic control details to manage conflicts between vehicles and bicyclists at the southern end of the shared-use path will be explored during final design.

Comment 51: *The people bicycling or walking along the new shared use path who are destined to the airport will use the path until it ends, then cross Albany-Shaker Road at a traffic light and enter the airport complex. Some connections through the parking and to the terminal are probably needed at that location.*

Response 51: The entrance into Albany International Airport is outside of the project study area and improvements to the pedestrian facilities between Albany-Shaker Road and the airport terminal are outside of the scope of the proposed project. In addition, the parking area at the airport is owned and maintained by Albany County Airport Authority, and as the owner, any projects would need to be progressed by the Authority.

Comment 52: *The problem will be those bicyclists and pedestrians who arrive at the end of the trail in search of the next trail segment. That little used, but existing trail segment can be accessed via a difficult to find trailhead next to NYS Route 155, and then the trail segment is located parallel to and to the west of new CR 151. Most of the walkers and riders at the “end” of the new trail to be built with Exit 4, when faced with the dilemma of no shown path to the next trail segment, will proceed north, as counter-flow traffic along the southeast bound limited access four lanes of Albany-Shaker Road until they find an entrance road that may look like it can connect to the existing trail link. This will create a dangerous situation and perhaps a nuisance to some property owners. The obvious solution is to route those wishing to continue along the trails but are not headed to the airport to turn west on Meeting House Road, past the Shaker Historic attractions and probably proceed along Ann Lee Pond Park, Heritage Lane, and perhaps Airline Drive (one block each) to the existing shared use trail and bridge over NYS Route 155. While this is a pleasant ride / walk along low volume roads, the appearance of the route can be confusing and perceived as the entrance to a private farm-like complex (that after all was the historic use of the property). Unless the route is well marked and somewhat improved, bicyclists and pedestrians who are unfamiliar with the connection will avoid it and confront a dangerous alternative a little further north at the end of the new trail.*

Response 52: The need for guide signs for the shared-use path and connection along Meeting House Road to the existing Albany-Shaker Road trail system will be evaluated during final design.

Comment 53: *The need is to develop a design and project that will tie these two important trail segments together. The markings and signs should be designed and implemented with Exit 4 and be in keeping with the historic and natural character of the area, while carrying the clear message recommending the safe through-travel route. Your consultant team for the next phase of the Exit 4 project can add at a very small increment to the design costs involved for this task. We hope this small but most important added component of the Exit 4 project can be added to the design and implementation work being undertaken along with the major phases of the interchange and trail projects scheduled for 2019.*

Response 53: The need for guide signs for the shared-use path and connection along Meeting House Road to the existing Albany-Shaker Road trail system will be evaluated during final design.

Tyler Desmond, The Desmond Hotel

Comment 54: *The project doesn't include any consideration for a left turn out of the Desmond.*

Response 54: The Desmond driveway was analyzed in Synchro for the proposed ETC+20 condition. During the peak hours it is estimated that the westbound left out of and into the driveway will operate at LOS C or better, assuming vehicles will turn to and from the westbound travel lane rather than the hatched median. A sensitivity analysis was also run to determine what percentage the westbound traffic distribution can be increased (to and from the driveway) before degrading to a LOS E. It was determined that the westbound trips out of and into the driveway can be increased by approximately 55% and 45% during the AM and PM peaks, respectively.

Anne Wyre, N and D Restaurants

Comment 55: *N and D Restaurants, Inc. is the owner of a strip of land that the State of New York will be acquiring for a temporary easement pertaining to the above project. Is it possible that you can give me the name of the restaurant and address of the affected property as that would be most helpful?*

Response 55: Two restaurants are located on the affected property at 178 Wolf Road, The Olive Garden and Red Lobster.

Sheila Duncan, Sunoco

Comment 56: *I agree with Mr. Eagan from Albany Airport that navigating the area is a concern. Getting people in and out of my store in a timely manner will be helpful if the traffic is under better control. However, you are diverting all traffic off I-87 north up Wolf Rd without an option to go left. So, a median (for NB Wolf Rd traffic heading back onto 87N) to turn into my store that stretches beyond that exit would be imperative to safely allow vehicles to turn into my location to fuel up first. Removing the light at 4N will hopefully allow this.*

Response 56: The Flyover alternative does not include widening of Wolf Road; however, the existing two-way left turn lane on Wolf Road south of the Exit 4 NB exit ramp and the left-turn lane at the Albany-Shaker Road/Wolf Road intersection will be maintained. Access to businesses at this intersection will be essentially the same as the existing conditions for vehicles traveling to/from I-87 SB and to I-87 NB. Access to businesses at this intersection will improve for vehicles traveling from I-87 NB since they will be able to access these businesses with right in/out movements from both Albany-Shaker Road and Wolf Road.

Comment 57: *We have out of town travelers who need to know where to fuel up. DOT highway signs are my biggest request. Without them my business will be in great jeopardy. It is an "airport" store more than anything and the Exit 4N is cutting me off.*

Response 57: Although service signs were previously allowed at I-87 Exit 4, current policy prohibits the use of specific service signs in urban areas. More information regarding the Department's policy on service signs can be found on at <https://www.dot.ny.gov/programs/nys-signs>.

Julie Tidd, Pyramid Brokerage

Comment 58: *I attended the public forum last night and there were several large aerials on display which I cannot find on the www.dot.ny.gov/i87exit4 web page. I am particularly interested in the one that displayed all the way up to the changes on exit 5. Would you please share where I can locate these pictures.*

Response 58: Maps and plans showing the Flyover Alternative are available online in Appendix A of the DEIS at <https://www.dot.ny.gov/regional-offices/region1/projects/i87exit4/reports-documents>.

Kerry Bytner, Resident

Comment 59: *I own a home in the Village of Colonie on a dead end street off Sunset Blvd that backs up to the Northway where N.Y. State replaced the bridge over Sand Creek Road a few years ago. While the bridge replacement was much needed, no one checked after it was completed. Anytime anything larger than a passenger vehicle hits the new span, the noise it makes echoes through our neighborhood. Looking at those concrete spans, I can see the crown in them. I understand the difference in elevation from the median to the outside edge of pavement, but it's the difference north to south that I think is making the noise that, at times, is very disturbing to myself and some neighbors I have spoken with. I also believe the noise to be enhanced by the high water table we experience in those months as you can feel it in the ground.*

I would like to invite you or one of your engineers to visit our neighborhood and see for yourself the distractions which I attribute to the new bridge. I have lived here for 16 yrs. and have never been bothered by the traffic noise such as Jake brakes on large trucks and the occasional group of motorcycles traveling the Northway, but this noise is something I don't believe I will ever get used to. I would appreciate any information you have or any help you can give myself and my neighbors.

Response 59: The I-87 bridges over Sand Creek Road are not within the proposed project limits, and existing conditions and noise at this location are not within the scope of the project. However, concerns with noise at this location have been provided to the NYSDOT Bridge Maintenance Engineer.

Lyn Lamanna, Resident

Comment 60: *I attended the public hearing on the I87 exit 4 project. I am glad the bridges over Albany Shaker Rd are finally being replaced. My concern is that the access roads and traffic congestion issues are not being addressed until 2019. The traffic is going to get worse with the addition of 3 more hotels and Whole Foods Supermarket in the Wolf Road Area. A dedicated ramp from I87 to the airport would help improve the economic development of the area. The Global Foundry expansion being on example of additional airport usage.*

I understand the funding is not currently available for the redesign of the access roads. Would it be possible to do smaller pieces of the project as money comes available? Extending the Exit 4 on ramp to the Exit 5 off ramp would be an example as the state owns the small portion of the land needed to extend the ramp. This would help ease the congestion at the intersection of Wolf Rd. Albany Shaker Rd and I87 Exit 4. It would help eliminate the backup on I87 at Exit 4 with the traffic having more room to merge.

I would like to see Phase II to start sooner than 2019. I know there is support from the Albany International Airport, the Town of Colonie, Albany County, and the surrounding counties that use the airport. I believe that if all the concerned parties worked together they could come up with the funding needed. We got 8 counties. the Town of Colonie, the City of Albany, the Airport Authority, the state and the federal governments, 35 million is not a lot when it is divided among all the interested parties after all the cost is only going to increase the longer it takes. Assemblymen Phil Steck and Senator Neil Breslin are in the best positions to work with all the interested parties to develop a funding plan.

I know compared to other urban congestion areas in the state the I87 exit 4 issues are not as severe. This is the Capital District. We need to make a good impression on people flying in to the capital of New York. The airport needs a direct access ramp from the interstate. It has been talked about for years and it is time to get it done and stop being a joke of the region to groups flying in to perform at SPAC, The Times Union Center, Proctors, Palace, and the new Convention center.

Response 60: NYSDOT is open to moving the Phase 2 construction forward sooner if project funding becomes available.

Michele Polito, Resident

Comment 61: *Adding the new Exit 4 on the Northway will increase traffic congestion. The northbound Wolf Road traffic going south on the Northway will still have the two lights to go through at the Albany-Shaker Road intersection. The eastbound traffic on Albany-Shaker Road going north on the Northway will still have the same route plus one more traffic signal. But by moving the north and south lanes of I-87 closer together and as far west as possible, there should be enough room for the I-87 northbound Exit 4 to still empty onto Wolf Road. The attached sketch is one suggestion that could solve the congestion at the I-87 Albany-Shaker Road intersection.*

Response 61: Over 50 alternatives were developed during the project scoping process. The alternatives evaluated in the DEIS and the preferred alternative were selected based on their ability to meet the project objectives, minimize environmental impacts, and minimize project costs. The traffic analyses contained in Section 3.3.1.7 of the DEIS show that the preferred alternative provides considerable improvements in traffic operations compared to existing conditions.

Steve Kohn, Resident

Comment 62: *When Part II happens, will a roundabout be used at the new intersection on Albany Shaker Road, to be located 1,000 feet west of where Albany-Shaker Road and Old Wolf Road now meet?*

Response 62: The feasibility of a roundabout at the Albany-Shaker Road & new Exit 4 ramps intersection was evaluated and determined to be infeasible due to high traffic volumes at conflict points in the roundabout. As a result, a roundabout is not proposed at this location.

Ted Thompson, Resident

Comment 63: *Once the access roads and ramps between Exit 5SB and Exit 4SB have been eliminated, try to return as much of this land as possible to taxable status, i.e. private property.*

Response 63: Abandoned right-of-way will be addressed as a part of the NYSDOT's surplus property disposal process.

Comment 64: *Try to use roundabouts at as many intersections as possible.*

Response 64: The feasibility of roundabouts at proposed intersections within the project limits was evaluated. The results of these analyses indicated that roundabouts are not a feasible alternative at any intersections within the project area due to high traffic volumes and right-of-way restrictions. Therefore, no roundabouts are currently proposed as part of the project.

Comment 65: *Push forward as fast as possible on Phase 2. Since our current Gov. has shown an apparent lack of concern for upstate, urge you to seek as much Federal help as possible from Tonko, Gillibrand, and Schumer.*

Response 65: NYSDOT is open to moving the Phase 2 construction forward sooner if project funding becomes available.

Gerard Houser, Resident

Comment 66: *Please include me in full support of the proposed road improvements at the Albany International Airport.*

Response 66: Comment noted.

Darlene McGraw, Resident

Comment 67: *You seem to have sufficient plans for vehicles, what about pedestrians like myself that travel near and under the bridge areas? This area has more pedestrians and bus stops also (accessible, disabled, sidewalks, clear, well lit, slow speed limits, etc.).*

Response 67: The Flyover alternative includes construction of 5 ft. bike lanes and 5 ft. sidewalks along both sides on Albany-Shaker Road between Wolf Road and the flyover ramps, which includes the area under the I-87 bridges.

From: Knutson, Lingard [<mailto:Knutson.Lingard@epa.gov>]

Sent: Monday, July 28, 2014 9:04 AM

To: Masi, John (DOT)

Cc: Robert.Davies@dot.gov; omar.elkassed@dot.gov; Ian.Weibel@dot.gov; Hitt, Dan (DOT); Kligerman, Thomas (DOT); Trichilo, Angelo (DOT); Goetke, Diane S. (DOT)

Subject: RE: PIN 1721.51: Response to DEIS Agency Comments (03/19/14)

John – EPA's groundwater specialist has found NYSDOT's response to be satisfactory. Once the final EIS is released, EPA will prepare a short comment letter that will approve the Sole Source Aquifer review, and acknowledge our future discussions on the Flyover Bridge.

Lingard Knutson
Environmental Scientist
US EPA, Region 2
290 Broadway
New York, NY
212-637-3747

From: Masi, John (DOT) [<mailto:John.Masi@dot.ny.gov>]

Sent: Friday, July 25, 2014 7:34 PM

To: Knutson, Lingard

Cc: Robert.Davies@dot.gov; omar.elkassed@dot.gov; Ian.Weibel@dot.gov; Hitt, Dan (DOT); Kligerman, Thomas (DOT); Trichilo, Angelo (DOT); Goetke, Diane S. (DOT)

Subject: PIN 1721.51: Response to DEIS Agency Comments (03/19/14)

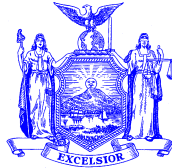
Attached you will find a response letter addressing your comments of March 19, 2014 referencing our January 2014 Draft Environmental Impact Statement (DEIS) for the Interstate 87, Exit 4 Access Improvements Project.

We would like to ask that you please respond by letter or email to indicate that your comments on the DEIS have been addressed to your satisfaction. Please let us know if you need more clarification on this issue

Thank you very much for your cooperation and coordination.

Respectfully,
John Masi

John A. Masi, P.E.
Region One Design
50 Wolf Road, POD 2-3
Albany, New York 12232
Phone Number: (518) 485-9636
E-Mail: John.Masi@dot.ny.gov



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION ONE
ALBANY, NY 12232
www.dot.ny.gov

Sam Zhou, P.E.
REGIONAL DIRECTOR

Joan McDonald
COMMISSIONER

July 25, 2014

United States Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007-1866

RE: **DEIS Agency Comments from 03/19/2014**
PIN 1721.51; I-87, Exit 4 Access Improvements Project
Town of Colonie, Albany County

Dear Ms. Mitchell,

This letter is to address your comment letter of March 19, 2014 referencing our January 2014 Draft Environmental Impact Statement (DEIS) for the Interstate 87, Exit 4 Access Improvements Project. Please see our italicized resolution beneath your comment listed below in which you have requested additional information regarding our construction practices within the Sole Source Aquifer (Schenectady-Niskayuna Aquifer System).

Comment

2. EPA requires more information concerning ramp/bridge supports construction and depth prior to completing our review under Section 1424(c). If the pilings penetrate the aquifer, what precautions will be taken during and after construction to insure that the annular space around the supports will not open the aquifer to contamination? Will the annular space be sealed, for example with bentonite or an equivalent sealant?

RESPONSE: NYSDOT plans to proceed with this project in two phases. Phase I of this project will be to replace the aging Interstate 87 (I-87) Bridges over Albany-Shaker Road. Phase II of this project will involve access improvements and reconfiguration of the I-87, Exit 4 Interchange which will include the construction of a flyover bridge. Phase I of this project is scheduled for a fall 2014 Letting. Phase II of this project has a projected Letting of the fall of 2019.

Our Main Office NYSDOT – Geotechnical Engineering Bureau has offered the following response to your comment:

“The proposed abutments will be supported on piles that extend to an estimated elevation of 232 feet. We have assumed ground water is at elevation 297 feet.

The proposed piles are cast in place concrete piles. These are constructed by first driving a closed end steel casing into the ground and then filling it with concrete. The steel casing is completely sealed. Since these are displacement piles, the soil directly around each pile will be densified as the casing is driven into the ground, therefore no annular space will exist. This densification essentially seals the area around each pile. After the piles are completed, a concrete footing will be poured encompassing the entire area around the piles."

Phase II of this project does not have this level of detail at the present time due to forecasted date of the proposed letting. Coordination with EPA on the proposed Flyover Bridge will begin as project design and details are developed.

We would like to ask that you please respond by letter or email to indicate that your comment(s) on the DEIS have been addressed to your satisfaction.

If you have any questions regarding this project, or need additional information, please contact John Masi, Project Manager, by phone at (518) 485-9636 or by email at John.Masi@dot.ny.gov. Thank you in advance for your cooperation and coordination!

Sincerely,



John Masi
Project Manager
NYSDOT Region 1

cc: L. Knutson, US EPA – Region 2 (*and email*)
B. Davies, FHWA District Engineer (*by email*)
O. Elkassed, FHWA Area Engineer (*by email*)
I. Weibel, FHWA Area Engineer (*by email*)
D. Hitt, NYSDOT Main Office, Office of the Environment (*by email*)
T. Kligerman, NYSDOT Main Office, DQAB (FHWA Liaison) (*by email*)
A. Trichilo, NYSDOT Region 1, Design Associate (*by email*)
D. Goetke, NYSDOT Region 1, Environmental Unit Leader (*by email*)
Project File

Masi, John (DOT)

From: Steve Iachetta [SIACHETTA@albanyairport.com]
Sent: Monday, August 18, 2014 12:20 PM
To: Masi, John (DOT)
Cc: Preusser, Kenneth J ; sukhbir.gill@faa.gov; John A. O'Donnell; 'Chris Einstein'
Subject: PIN 1721.51 ALB Airport Authority Concurrence with proposed wetland mitigation plan

Good morning John,

Please accept the following clarification to reflect new information on the proposed mitigation wetland adjacent to I-87, approximately 5,600 linear feet south-southwest of the Runway 01 touch-down zone. The subject is a prerequisite for proposed I-87 Airport Access improvements.

Thank you for your project briefing on the I-87 Exit 4 Airport Connector (PIN 1721.51) Clean Water Act mitigation requirements. To confirm our discussions, the ACAA appreciates your understanding and assurance that the proposed .15 acre forested wetland and balance of 1.85 acres of emergent/meadow will be designed to assure that no open water or other wildlife attractant will be created and that tree plantings will be willow or similar low-growth tree vegetation which will not impinge the Runway 01 approach surface owned by the Airport Authority to assure ongoing FAR Part 77 conformance.

Consequently, the proposed total area of mitigation wetlands comprising approximately two acres on State owned property does not appear to present any potential adverse effect on Airport operations or Airport Wildlife Hazard Mitigation Plan as prepared by USDA cc'd. Please reply to confirm receipt and adequacy of this concurrence and advise whether I may provide any further information or assistance. Thank you.

*Best regards,
Stephen Iachetta
Department of Planning & Engineering
518-242-2238 direct 378-5968 mobile*

*Albany County Airport Authority
Administration Building, Suite 205
Albany International Airport
Albany, New York 12212-1057*

From: Steve Iachetta
Sent: Thursday, August 14, 2014 1:51 PM
To: Masi, John (DOT)
Cc: Preusser, Kenneth J ; 'sukhbir.gill@faa.gov'; John A. O'Donnell; 'Chris Einstein'
Subject: PIN 1721.51 ALB Airport Authority Concurrence with proposed wetland mitigation plan

John,

Thank you for your project briefing on the I-87 Exit 4 Airport Connector (PIN 1721.51) Clean Water Act mitigation requirements. To confirm our discussions, the ACAA appreciates your understanding and assurance that the proposed 1.51 acre forested wetland will be designed to assure that no open water or other wildlife attractant will be created and that tree plantings will be willow or similar low-growth tree vegetation which will not impinge the Runway 01 approach surface owned by the Airport Authority to assure ongoing FAR Part 77 conformance.

Consequently, the proposed 1.51 acres of forested wetlands on State owned property does not appear to present any potential adverse affect on Airport operations or Airport Wildlife Hazard Mitigation Plan as prepared by USDA cc'd. Please reply to confirm receipt and adequacy of this concurrence and advise whether I may provide any further information or assistance. Thank you.

*Best regards,
Stephen Iachetta
Department of Planning & Engineering
518-242-2238 direct 378-5968 mobile*

*Albany County Airport Authority
Administration Building, Suite 205
Albany International Airport
Albany, New York 12212-1057*

From: John A. O'Donnell
Sent: Thursday, August 14, 2014 1:14 PM
To: Masi, John (DOT)
Cc: Steve Iachetta
Subject: Closing Exit 4 Northbound
John,

I have reviewed the closure of Exit 4 with you. As we discussed, I would recommend that the closure occur after 8 am on a Saturday and reopen late on Sunday. Weekdays and Saturdays between 4:00 am and 8:00 am are our busiest times with the most amount of departing flights leaving in the early morning hours. We would also advise that the closure should not take place during any of the holiday peak periods such as during the Thanksgiving and Christmas holiday period, nor during Spring break for the area high schools (February) and colleges(March).

We also suggest that included on the detour signs that the airport be designated, preferably in words rather than symbols. You may consider adding a couple of variable message boards to help the travelers navigate their way to the airport.

We look forward to the improvements afforded with the completion of Phase I of this project.

Thank you.

John A. O'Donnell, Chief Executive Officer
Albany International Airport
Administration Building, Suite 200
Albany, New York 12211-1057
Tel: 518 242-2222

SUMMARY OF MEETING
PIN 1721.51.122
Scoping and Highway Design Services
Interstate 87 (I-87) Exit 4 Access Improvements
Town of Colonie, Albany County

DATE: April 10, 2014

TIME: 10:00 AM

PLACE: NYSDOT Region 1

CHA FILE: 9456

ATTENDEES:

Bob Davies (BD)	FHWA	431-8880
Christine Delorier (CD)	ACOE	266-6354
Angelo Trichilo (AT)	NYSDOT R1	457-9980
John Masi (JM)	NYSDOT R1	485-9636
Diane Goetke (DG)	NYSDOT R1 LA/ES	485-9209
Brandon Greco (BG)	NYSDOT OOE	485-7753
Terry Smith (TS)	NYSDOT OOE	457-2385
Lee Ecker (LE)	CHA	453-3984
Lisa Westrick (LW)	CHA	453-3997

PURPOSE:

This meeting was held to discuss the US Army Corps of Engineers (ACOE) comments on the Draft Environmental Impact Statement (DEIS).

MINUTES:

General Discussion

1. AT welcomed everyone to the meeting and introductions were made.
2. DG stated that one purpose of the meeting will be to separate the ACOE's comments into those which pertain to the DEIS and those that are only relevant to the permit.
3. LE presented a map of the Flyover Alternative showing the proposed wetland impact areas and pointed out that the impact quantities have been refined since the DEIS was released to the public to incorporate a shift of the I-87 mainline into the median. Although the current impact quantities are less than those included in the DEIS, the higher impact quantities will be included in the FEIS to present a conservative quantity of wetland impacts.
4. LE stated that temporary wetland impacts have also been quantified in the DEIS assuming 10 feet of temporary impacts beyond the proposed slope limits.
5. CD stated that the impacts quantification looks good, but that she is looking for documentation of avoidance and minimization of wetland impacts.
6. LE stated that the alignment was altered and embankment slopes steepened to avoid and/or minimize impacts and that these measures will be documented as part of the permitting process.
7. CD stated that the avoidance and/or minimization measures should be documented in the EIS.
8. LE stated that stream restoration will be proposed where existing culverts are proposed to be removed along the Exit 5-4 C-D road that is also being removed as part of the project.
9. DG stated that the proposed mitigation package also includes protection/preservation of Shaker Creek at the wetland mitigation site.
10. CD asked if NYSDOT can protect restored open channels by establishing a riparian area around stream banks for long-term protection. DG stated that long-term protection can be discussed during the permitting process.



11. CD stated that ACOE is open to providing some leeway to resolve issues with the Certification Statement.
12. CD asked how DOT wants to handle the Jurisdictional Determination and field work. DG stated that the immediate need is at the bridge replacement (Phase I) and wetland mitigation site.
13. CD stated that if the DOT can document operational independence, the two construction phases could be permitted separately. CD suggested that DOT review the Nationwide definitions of operational independence required to be documented for permit (separate from the DEIS and FHWA's definition of independent utility).
14. TS asked if there is a way to get credit for wetland mitigation for Phase II construction impacts and still construct the wetland mitigation for both phases during Phase I construction.
15. CD stated that it's possible, but difficult because the Phase II impacts wouldn't be fully evaluated until that construction phase is permitted. DOT would be constructing the mitigation area for Phase II at their own risk that it would be enough.
16. AT stated that Phase II is anticipated to begin construction in 2019, but could be earlier if funding becomes available.
17. AT stated that the DOT will most likely design the entire mitigation site now, but only construct the mitigation area required for Phase I under a Nationwide Permit and apply for an Individual Permit for Phase II later.
18. JM stated that the entire wetland mitigation site will be purchased as part of Phase I, so the protection/preservation benefits would be provided as part of Phase I construction.
19. CD stated that pictures of areas for Phase I will be sufficient and that no site visit will be necessary.
20. BG stated that tree removals for Northern Long Eared Bat impacts from the project were sent to US Fish and Wildlife Service (USFWS) for concurrence.
21. DG stated that the DOT is finalizing the Section 106 process. BD stated that there are no Section 106 issues for Phase I.
22. BD stated that the Record of Decision (ROD) will cover the entire project (not separate for each phase).
23. CD stated that ACOE is more stringent in Albany County regarding open water impacts because it is heavily developed and there is limited open water left.
24. DG asked if ACOE would consider replacement of open water with emergent wetlands since open water is not acceptable given the proximity of the project to the airport.
25. CD stated that since emergent wetlands possess functional value, they could be considered appropriate mitigation for open water impacts.

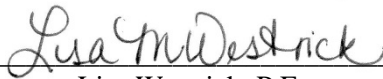
The following discussion was had regarding the comments included in ACOE's March 29, 2014 letter.

- Comment 1. DG stated that field work for the Jurisdictional Determination (JD) can be done this summer and that a preliminary JD will meet the needs of DOT.
- Comment 2. DG stated that the DOT is okay with separate permits for the two construction phases. It is anticipated that the Phase I mitigation will be completed concurrently with Phase I construction. AT stated that the DOT will need a projection for the right of way since the purchase will not be complete until the end of 2014.
- Comment 3. DG stated that the mitigation plans will include avoiding damage to existing trees where possible. DG stated that a culvert could be installed to allow access to the mitigation site directly from I-87, and the area of the culvert could be restored after the monitoring period is over. CD stated that the reason for each wetland impacts needs to be documented for the permit.

- Comment 4. AT stated that there are no known concerns at the existing culverts. LE stated that although they have a small diameter, many of the culverts are flat and the streams are slow flowing. In addition, the Phase II SPDES practices have been designed to address flows. DG stated that the hydraulics of the culverts would be evaluated for the Phase II permit.
- Comment 5. DG stated that a site visit will be conducted over the summer. A list of mitigation measures for stream impacts is included in the DEIS, but the actual location of the mitigation measures can't be determined specifically yet. TS stated that the legal group is working with ACOE to resolve issues with the Certification Statement without affecting project schedules, but there is an issue because DOT doesn't have deeds to properties. Conditional approval can be granted for Phase I.

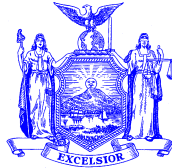
BD stated that once the comments have been addressed and a response returned to ACOE, FHWA will be looking for a response from ACOE stating that all of their concerns with the DEIS have been adequately addressed.

Please report any additions or corrections in writing within ten (10) calendar days to the undersigned at CHA.



Lisa Westrick, P.E.
Project Engineer

lmw/LMW
c: Attendees
D. Gates, CMB
9456som96



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION ONE
ALBANY, NY 12232
www.dot.ny.gov

Sam Zhou, P.E.
REGIONAL DIRECTOR

Joan McDonald
COMMISSIONER

July 25, 2014

Department of the Army
US Army Corps of Engineers, ATTN: CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington Street, Building 10, 3rd Fl. North
Watervliet, New York 12189-4000

RE: **DEIS Agency Comments from 03/26/2014**
PIN 1721.51; I-87, Exit 4 Access Improvements Project
Town of Colonie, Albany County

Dear Ms. Gitchell,

This letter is to address your comment letter of March 26, 2014 referencing our January 2014 Draft Environmental Impact Statement (DEIS) for the Interstate 87, Exit 4 Access Improvements Project. Please see our italicized resolutions beneath each comment summary and comment number as indicated in your March 26, 2014 letter.

Also, please see the attached meeting minutes of our April 10, 2014 meeting with NYSDOT (Main office and Region One), FHWA, CHA and Christine Delorier (USACE). This meeting was held to discuss the DEIS comments from USACE and to provide information and background to help resolve the outstanding issues.

Comments

1. We recommend that we conduct a site inspection of the project area with you this spring to verify the extent of waters of the United States in the project area, and to determine with you whether an approved or preliminary jurisdictional determination is appropriate for this project.
RESPONSE: NYSDOT plans to proceed with a preliminary Jurisdictional Determination. A site visit with the USACE will be scheduled during the summer of 2014. (See attached meeting minutes General Discussion Item #12)
2. According to the DEIS, the NYSDOT plans to seek confirmation of Nationwide Permit Number 14 for Phase I of the project, and then seek an individual Department of the Army permit for Phase II of the project. Based upon the information received to date, we

cannot concur at this time that separate review of the proposed impacts to waters of the United States for each project phase is appropriate in this case. Should the NYSDOT continue to seek separate authorizations for each phase, we recommend that the NYSDOT submit to this office as soon as possible, justification as to why you believe the reviews should be separated and have independent utility.

RESPONSE: As part of the permitting process, NYSDOT will prepare and submit justification that the two construction phases have operational independence. (See attached meeting minutes General Discussion Item #13)

In addition, it was indicated to this office that the NYSDOT planned to complete during Phase II of the project, any required compensatory mitigation needed to offset impacts to waters of the United States that would occur during Phase I construction. Given the timeframes between Phase I and II construction, the lack of confirmed funding for Phase II construction, and our regulations at 33 CFR Part 332.3(m), we would not approve this proposal. As stated in 33 CFR Part 332.3(m), implementation of the compensatory mitigation project shall be, to the maximum extent practicable, in advance of or concurrent with the activity causing the authorized impacts.

RESPONSE: Mitigation for Phase 1 (replacement of the I-87 bridges over Albany-Shaker Road) wetland impacts will be completed during Phase 1 construction. Mitigation for Phase 2 construction (new interchange ramps) wetland impacts will be completed during Phase 2 construction. (See attached meeting minutes General Discussion Item #14 & 15)

3. While we recognize that the work description and plans contained in the DEIS are not final, we are unsure that all proposed temporary and permanent impacts to aquatic resources have been identified. As we progress in the review of the overall project, please be sure to clearly identify the purpose of each impact to waters of the United States, identify if any proposed temporary impacts would occur within forested wetlands and whether they would be restored to their pre-existing cover type, identify whether any utility line relocation work, noise barrier installation, drainage system cleaning and improvements, or pedestrian and bicycle use facilities would involve additional impacts to waters of the United States, identify and quantify any proposed temporary impacts to streams or other open water areas (i.e. ponds), identify the duration of temporary impacts to aquatic resources and how these aquatic resources would be restored, and identify any measures that are proposed to be taken to prevent the spread of invasive species in the project vicinity.

RESPONSE: We have reviewed all permanent and temporary impacts to be sure that all impacts have been identified and accounted for. We can offer the following in response:

- a. *The purpose of each impact will be documented during the permitting process.*
- b. *Temporary impacts are identified in Section 4.4.1 of the EIS. Temporary impacts by plant community classification and the type of restoration proposed for each impact will be documented during the permitting process.*
- c. *Wetland impacts for all proposed project work, including utility relocations, noise barrier installation, drainage, and pedestrian facilities have been accounted for in Section 4.4.1 of the EIS.*
- d. *Temporary impacts to streams or other open water areas are identified in Section 4.4.2 of the EIS and will be refined and documented during the permitting process.*

- e. The duration and restoration of temporary impacts to aquatic resources will be documented as part of the permitting process.*
- f. Proposed invasive species management is discussed in Section 4.4.9 of the EIS and will be refined for each phase of the project and documented during the permitting process.*

We also recommend that you keep detailed records of all efforts taken to avoid and minimize impacts to waters of the United States to the maximum extent practicable and then provide this record to us to help determine whether the proposed activities meet our Clean Water Act 404(b)(1) Guidelines.

RESPONSE: A summary of the efforts made to avoid and/or minimize impacts to waters of the United States has been prepared and will be documented as part of the permitting process. (See attached meeting minutes General Discussion Item #6 & 7)

- 4. The project involves the extension of existing culverts, some of which convey streams that have been identified as either perennial or relatively permanent waters. The existing culverts are noted as being reinforced concrete pipes between 24" and 30" in diameter. The sizes of these culverts seem inadequate to effectively manage water flows and their extension could exacerbate existing conditions. Please be sure to address this issue when seeking approval from this office for their extension. The site inspection recommended above should include visits to streams where culvert extensions or any new culverts are proposed.

RESPONSE: Several tributaries flow through the project area. Each of these channels is currently conveyed under the highway in small diameter (24-36 inch) culvert pipes and these culverts are relatively flat and slow flowing. As stated in DEIS Section 4.4.5 - Floodplains, there is no documented history of flooding at any of these crossings. It is anticipated that the existing culverts have sufficient capacity and that the proposed culverts associated with each alternative will be sized accordingly. In addition, the hydraulics of the existing and proposed culverts will be evaluated as part of the Phase 2 permitting process.

- 5. Although this office has agreed that the NYSDOT should pursue compensatory wetland mitigation at Wetland Mitigation Area 13 (as identified in the DEIS), we cannot concur with the amount and type of proposed compensatory mitigation at this time, and whether all types of mitigation needed for this project can be accomplished at this site. As noted above, we are unsure that all impacts that could require compensatory mitigation have been identified. Additional mitigation may be required for the permanent or long term conversion of forested wetlands into other covers types needed for temporary impacts or other long term temporary impacts. Specific types and amounts of mitigation needed to compensate for the difficult to replace stream impacts need to be identified.

RESPONSE: A site visit with the ACOE will be conducted during the summer of 2014 in order to complete the Jurisdictional Determination (JD) and make a final determination of the amount and type of proposed compensatory mitigation required. Once the amount and type of proposed compensatory wetland mitigation has been agreed upon, a wetland mitigation plan will be developed and submitted as part of the permitting process.

Although the final determination of wetland impacts and required mitigation will not be made until the site visit with ACOE, our analysis of the proposed mitigation site shows that it can accommodate the required mitigation. After a more thorough investigation of methods to minimize wetland impacts, we have reduced the total area of impact to 1.72 acres. The impacts consist of 0.10 acres of forested wetland and 1.62 acres of emergent and wet meadow wetland. The proposed mitigation site can accommodate 1.79 acres of created wetland. This area represents the actual created wetland area with additional area for grading and creation of a berm as a buffer between the created wetland area and the remaining residential property to the east. In addition to the created wetland, the proposed mitigation site will include preservation of several acres of wetland and some stream restoration in Shaker Creek within the parcel.

Stream impacts will be mitigated via restoration of streams in the area occupied by the existing ramps and collector-distributor (CD) road that comprise the Exit 4 southbound exit ramp and Exit 5 southbound entrance ramp. Several streams in this area were placed in culverts when the ramps and CD road were built. Since these roadways will be removed during construction Phase II (which is when the stream impacts will occur), the existing culverts can be removed, and the streams can be restored. The project will impact 474 linear feet of stream. Over 500 feet of stream is available for restoration in the area of the CD road through removal of the existing culverts and restoration of the stream channels.

The DEIS also does not demonstrate why compensatory mitigation to offset the loss of open water area should not be required. Please continue to coordinate with this office to help develop a comprehensive plan that would adequately compensate for the loss of waters of the United States that area associated with this project.

RESPONSE: Impacts to open waters cannot be mitigated through the creation of open waters within the project study area due to conflicts with the Albany County Airport Authority's Wildlife Hazard Management Plan which recommends consideration of wildlife attractants out to 5 miles of the airport if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace. As such, NYSDOT proposes to mitigation open water impacts with creation of shallow emergent marsh wetlands at a 1:1 impact to mitigation ratio. (See attached meeting minutes General Discussion Item #23 to 25)

Please also be reminded that we expect the NYSDOT to develop an acceptable plan that provides for the long term protection of the mitigation site(s). The New York District has previously informed the NYSDOT that the use of the "Certification Statement" as currently written is not legally sufficient.

RESPONSE: NYSDOT is coordinating with USACE to develop a plan for long-term protection of the proposed wetland mitigation site and resolve issues with the current Certification Statement. This project intends to follow any interim guidance that is reached from said coordination.

We would like to ask that you please respond by letter or email to indicate that your comments on the DEIS have been addressed to your satisfaction. We realize that some of your comments address potential permitting concerns and we will depend on continued coordination with your agency to resolve any of these issues at that time.

If you have any questions regarding this project, or need additional information, please contact John Masi, Project Manager, by phone at (518) 485-9636 or by email at John.Masi@dot.ny.gov. Thank you in advance for your cooperation and coordination!

Sincerely,



John Masi
Project Manager
NYSDOT Region 1

cc: C. Delorier, USACE, Geologist/Sr. Project Manager (*and email*)
B. Davies, FHWA District Engineer (*by email*)
O. Elkassed, FHWA Area Engineer (*by email*)
I. Weibel, FHWA Area Engineer (*by email*)
D. Hitt, NYSDOT Main Office, Office of the Environment (*by email*)
T. Kligerman, NYSDOT Main Office, DQAB (FHWA Liaison) (*by email*)
A. Trichilo, NYSDOT Region 1, Design Associate (*by email*)
D. Goetke, NYSDOT Region 1, Environmental Unit Leader (*by email*)
Project File

Lilholt, Christine

From: Gitchell, Amy L NAN02 [<mailto:Amy.L.Gitchell@usace.army.mil>]
Sent: Monday, August 04, 2014 2:21 PM
To: Masi, John (DOT)
Cc: Christine.delorier@usace.army.mil
Subject: NAN-2011-00264-UDE/PIN 1721.51 DOT I-87, Exit 4 (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Mr. Masi:

This email is to acknowledge receipt of your July 25, 2014, letter to my office to address our comments on the DEIS for the Interstate 87, Exit 4 Access Improvements Project. Your letter addressed some of our comments and indicates that the remainder of our comments will be addressed during the permit application process after NYSDOT submits an application to our office. Thank you for the interim response and we remain available for additional pre-application discussions and site visits with you for this project.

Please use our 18-character project identifier on any future correspondence with the office for this project - NAN-2011-00264-UDE.

Sincerely,

Amy L. Gitchell
Chief, Upstate New York Section
US Army Corps of Engineers ATTN: CENAN-OP-RU Upstate Regulatory Field Office
1 Buffington St., Bldg. 10, 3rd Fl. North Watervliet, New York 12189-4000
phone: (518) 266-6364
fax: (518) 266-6366

Classification: UNCLASSIFIED
Caveats: NONE

